

REMARKS

Claim 1 is pending. Claim 1 is amended by adding the recitation, “or a salt thereof”. Support for the amendment is found, for example in original claim 1. No new matter is presented.

Claim 1 is provisionally rejected on the ground of non-statutory obviousness-type double-patenting as allegedly being unpatentable over claims 1-30 of co-pending App. Ser. No. 11/822,941.

Applicants respectfully traverse the rejection as being improper for the reasons of record as set forth in the Amendment filed December 13, 2007, namely that the rejection is improper in view of the statutory prohibition under 35 U.S.C. § 121 from using a divisional application, filed as a result of a restriction requirement, as a reference against the parent application.

Additionally, Applicants note that the obviousness-type double patenting rejection is provisional and when a provisional obviousness-type double patenting rejection is the only rejection remaining in one of the applications, the rejection should be withdrawn. See MPEP §804 (I)(B).

Notwithstanding the above, to facilitate and expedite prosecution, a Terminal Disclaimer is submitted herewith, thereby obviating the provisional obviousness-type double patenting rejection.

Accordingly, Applicants respectfully request withdrawal of the provisional obviousness-type double patenting rejection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

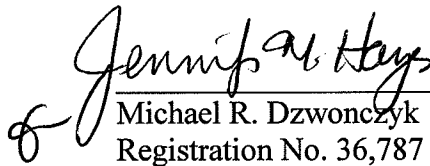
Respectfully submitted,

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